

JUDGE KARAS

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

ERMYNE V. FLEMING

PLAINTIFF,

SUMMONS IN A CIVIL ACTION

V.

P.O. JOHN ESPOSITO, CAPTAIN "JOHN DOE"
and THE CITY OF PEEKSKILL,

DEFENDANTS.

CASE NUMBER:

08 CIV 4584

TO: (Name and address of Defendant)
P.O. JOHN ESPOSITO, CAPTAIN "JOHN DOE"
2 Nelson Avenue
Peekskill, New York 10566

CITY OF PEEKSKILL
c/o Corporation Counsel
840 Main Street
Peekskill, New York 10566

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ALAN D. LEVINE, ESQ.
80-02 Kew Gardens Road, Suite 1010
Kew Gardens, New York 11415

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAY 19 2008

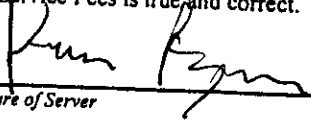
CLERK

DATE

(By) DEPUTY CLERK

ORIGINAL

AO 440 (Rev. 8/01) Summons in a Civil Action

P.O. JOHN ESPOSITO		RETURN OF SERVICE		2 Nelson avenue Peekskill, NY 10566	
Service of the Summons and complaint was made by me ⁽¹⁾			DATE June 6, 2008		
NAME OF SERVER (PRINT) Kevin Ryan			TITLE Process server		
Check one box below to indicate appropriate method of service					
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): Deponent left copy of said papers with SGT GOMEZ. Deponent also enclosed copy of same in a postpaid wrapper properly addressed to defendant and deposited said wrapper in a post office depository.					
STATEMENT OF SERVICE FEES					
TRAVEL		SERVICES		TOTAL \$0.00	
DECLARATION OF SERVER					
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.					
Executed on <u>6/10/08</u> Date		 Signature of Server			
<u>Franklin square, NY 11010</u> Address of Server					

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure